11-1327 EVANS V. MICHIGAN

DECISION BELOW: 491 Mich. 1

LOWER COURT CASE NUMBER: 141381

QUESTION PRESENTED:

Does the Double Jeopardy Clause bar retrial after the trial judge erroneously holds a particular fact to be an element of the offense and then grants a midtrial directed verdict of acquittal because the prosecution failed to prove that fact?

CERT. GRANTED 6/11/2012